

Panaji, 30th October, 1986 (Kartika 8; 1908)

SERIES I No. 31

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1/17/78-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7/(11)-62-Goa, dated 25th July, 1963 and in supersession of the existing recruitment rules for the posts, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules relating to recruitment to the General Central Service, Group 'B' Gazetted post in the office of Commissioner of Sales Tax and Entertainment Tax under Government of Goa, Daman and Diu, namely:—

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Daman and Diu, Office of the Commissioner of Sales Tax and Entertainment Tax, Group 'B' Gazetted post Recruitment Rules, 1986.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay. —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications. —

The method of recruitment to the

said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.* — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.* — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.* — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

7. These rules are issued with the approval of Union Public Service Commission granted under their letter No. F.3/29(13)/85-RR dated 14-5-1986.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 12th September, 1986.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Sales Tax Officer	8 (1986) Subject to variation dependent on workload.	General Central Service Group 'B' Gazetted	Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200.	Selection	Not exceeding 30 years. (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Central Government). <i>Note:</i> The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep).	No	<i>Essential:</i> i) Degree of recognised University or equivalent preferably in Commerce or Economics. ii) Associate Membership of Institute of Chartered Accountants. <i>OR</i> 3 years' experience in commercial accounts in Govt. or a Semi-Govt. organisation or in a commercial or Banking firm or in a firm of Chartered Accountants. <i>Note 1:</i> Qualifications are relaxable at the discretion of the U.P.S.C. in case of candidates otherwise well qualified. <i>Note 2:</i> The qualification(s) regarding experience is/are relaxable at the discretion of the U.P.S.C. in the case of candidates belonging to Scheduled Castes and Scheduled Tribes if, at any stage of selection, the U.P.S.C. is of the opinion that sufficient number of candidates from these communities possess the requisite experience are not likely to be available to fill up the vacancies reserved for them. <i>Desirable:</i> i) Degree in law of a recognised University or equivalent.	No	2 years. <i>Note:</i> The direct recruits shall have to pass the departmental examination during probation period/extended probation period.	i) 50% by promotion failing which by transfer on deputation and failing both by direct recruitment. ii) 50% by direct recruitment failing which by transfer on deputation.	<i>Promotion:</i> Assistant Sales Tax Officer/Assistant Entertainment Tax Officer with 3 years' regular service in the grade and have passed the departmental examination. <i>Transfer on Deputation:</i> Officers under the Central/State Govts. and Union Territories: i) holding analogous posts; or ii) with 3 years' regular service in posts in the scale of Rs. 550-900 or equivalent; or iii) with 8 years' regular service in the posts in the scale of Rs. 425-700 or equivalent; and b) possessing the educational qualifications and experience prescribed for direct recruits under Col. 7. (The departmental officers in the feeder category who are in the direct line of promotion will not be eligible for considera-	Group 'B' D. P. C. Consisting of: i) Chief Secretary — Chairman. ii) Administrative Secretary — Member. iii) Head of Department — Member. <i>Note:</i> The Proceedings of the D.P.C. relating to confirmation shall be sent to the Commission for approval. If, however, these are not approved by the Commission a fresh meeting of the D. P. C. to be presided over by the Chairman or a Member of the U.P.S.C. shall be held.	Consultation with U.P.S.C. necessary while making direct recruitment and selecting an officer for appointment on deputation.

Industries and Labour Department

Notification

1/21/86-ILD

The following draft of certain rules which the Government proposes to make in exercise of the powers conferred by section 22 of the Goa, Daman and Diu Barge (Taxation on goods) Act, 1985 (Act No. 22 of 1985) are hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after the expiry of thirty days from the date of publication of this notification in the Official Gazette.

All objections or suggestions to the said draft may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Industries and Labour Department, Secretariat, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette so that they may be taken into consideration at the time of finalisation of the said draft rules.

DRAFT RULES

In exercise of the powers conferred by section 22 read with sections 4, 5, 10, 11, 14 and 15 of the Goa, Daman and Diu Barge (Taxation on Goods) Act, 1985 (22 of 1985), the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short title and commencement.**— These rules may be called the Goa, Daman and Diu Barge (Taxation on Goods) Rules, 1986.

(2) They shall come into force at once.

2. **Definitions.**— In these rules, unless the context otherwise requires, —

(a) "Act" means the Goa, Daman and Diu Barge (Taxation on Goods) Act, 1985 (22 of 1985);

(b) "Form" means a form appended to these rules;

(c) "Goods" means mineral ores;

(d) "Month" means a calendar month;

(e) "Registered Owner" includes his authorised representatives;

(f) "Section" means a Section of the Act;

(g) "Tonne" means a metric tonne.

3. **Submission of returns.**— (1) Every registered owner of a barge shall fill up and deliver or cause to be delivered to the Tax Officer, a quarterly return in Form - I so as to reach him on or before the 12th day of the month immediately following the quarter to which the return relates during which the barge passed through the Cumbarjua canal:

Provided that for the period from 1-7-78 until the commencement of these rules, the quarterly returns shall be submitted within 60 days from the date of such commencement.

(2) The quantity of goods carried by a barge shall be determined on the basis of the Dead Weight carrying capacity of the barge.

tion for appo-
intment on de-
putation. Simi-
larly deputation-
ists shall not be
eligible for con-
sideration for
appointment by
promotion. Pe-
riod of deputa-
tion including
period of depu-
tation in an-
other ex-cadre-
post held im-
mediately pre-
ceding this ap-
pointment in
the same or
some other or-
ganisation/de-
partment shall
ordinarily not
exceed 3 years.

ii) Knowledge of local
languages/dialect(s).

4. Payment of Tax.—The tax payable under section 5, shall be paid in cash or by challans on or before the 15th day of the month immediately following the quarter to which the tax relates:

Provided that for the period from 1-7-78 until the commencement of the rules, the corresponding tax shall be paid in cash or by challans within ninety days from the date of such commencement.

5. Penalty for non-payment of tax.—(1) Where the whole or any portion of the tax payable to the Government in respect of any quantity of goods carried by the barge for any month or portion thereof in pursuance of sections 5, 6 and 7 of the Act has not been paid within the stipulated period, the Tax Officer shall, before imposing any penalty under section 7 of the Act, serve a notice calling upon the registered owner or his representative to show cause within fifteen days from the date of receipt of such notice as to why the penalty should not be imposed. He shall record a brief memorandum of the facts of the case and a finding with a brief statement of his reasons for such finding. After the expiry of fifteen days thereof, the Tax Officer shall serve a notice of demand on the registered owner or his representative, if deemed fit.

(2) A notice of demand shall be served by any of the following methods, namely:—

(a) by delivery or tender of a copy of the notice to the registered owner or his representative or any other person duly authorised to receive notice on his behalf:

(b) by post under a certificate of posting or by registered post:

Provided that if upon any attempt having been made to serve any such notice by any of the above mentioned methods, the Tax Officer is satisfied that the registered owner is keeping out of way for the purpose of avoiding service or that for any other reason the notice cannot be served by any of the above mentioned methods, he may direct that the notice may be served by affixing a copy thereon on some conspicuous part of the registered owner's place of business and such service shall be as effective as it has been served on the registered owner personally.

6. Appeal.—(1) An appeal against the notice of demand shall lie to the Secretary, Industries and Labour Department, Secretariat, Panaji.

(2) Every appeal against the notice of demand shall be made in form of a memorandum setting forth the name and address of the applicant, registration number of the barge, the grounds of objection to the notice of demand, the name and designation of the Officer who passed the order and shall contain relief prayed for and shall be accompanied by satisfactory proof of the payment of tax admitted by the appellant to be due. Every such memorandum of appeal shall be signed and verified by the appellant or by his authorised agent and shall be accompanied by a certified copy of notice of demand appealed against.

7. Maintenance of accounts and registers.—Every registered owner of a barge shall keep and maintain

a register showing the movement of barges through the Cumbarjua Canal in Form II.

8. Powers of entry and inspection.—The Tax Officer or any other person duly authorised by him in writing may, at all reasonable times, enter into, inspect and search any barge or any place ordinarily used by the registered owner for keeping such barge or keeping accounts of his business for the purposes of seeing or verifying whether the provisions of the Act or any rules made thereunder are being complied with.

9. Composition of Tax.—(1) The registered owner intending to compound the tax assessable on him for any period, may apply to the Tax Officer for composition of tax payable, for that period, before the commencement of that period and pay in lieu, thereof, as fees an amount equivalent to the tax leviable on ninety per cent of the assessed quantity of goods to be transported by a barge and accepted by the Tax Officer.

(2) On production of receipt evidencing payment of the amount of tax under sub-rule (1), the Tax Officer shall issue to the registered owner of the barge a certificate in Form III for the period for which tax is compounded.

10. Drawback, set off, refund, etc.—(1) When a registered owner of a barge claims that he has been charged or has paid more amount than is due or that he is entitled to refund in terms of sub-rule (4) and claims the drawback, set off or refund under section 15, he shall submit an application to the Tax Officer stating the ground on which the refund is claimed.

(2) Application under sub-rule (1) shall be made within a period of one year from the date of payment of the respective amount.

(3) If, on receipt of the application under sub-rule (1) the Tax Officer, after making such enquiry as he deems necessary, is satisfied that a refund is admissible, he shall calculate the amount of refund due and allow the registered owner either to deduct the excess from the amount of tax and penalty, if any, due in respect of any other period or issue to him a certificate of refund in Form IV.

(4) When a tax on barge has been compounded for a period and it is proved to the satisfaction of the Tax Officer that the barge has not passed with goods through the Cumbarjua Canal during the period of composition or part thereof, refund shall be made according to the following scale:—

- a) When a barge has not passed through the Canal for a full period of composition of tax 80% of the tax paid.
- b) When the barge has not passed through the Canal for half the period of composition of the tax or more 40% of the tax paid.

(5) No refund shall be admissible if a barge does not pass through the Cumbarjua Canal for less than half the period for which the tax is compounded.

FORM - I

[See rule 3 (1) of the Goa, Daman and Diu Barge (Taxation on Goods) Rules, 1986]

The Tax Officer,
Panaji/Mormugao,

Sir,

As required under the Goa, Daman and Diu Barge (Taxation on Goods) Rules, 1986, I/We submit the return in respect of my/our barge(s), which passed through the Cumbarjua Canal, with goods during the month of ...

Sr. No.	Name of barge	O. No.	Quantity of goods in DWT tonnes	Departure from loading point			Passed under Banastarim bridge (towards Mormugao)	
				Date	Time	Place	Date	Time
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Yours faithfully,

FORM - II

[See rules 3 (2) and 7 of the Goa, Daman and Diu (Taxation on Goods) Rules, 1986]

Name of Barge: ...

Official No. of Barge: ...

Trip No.	Name of Master of Barge	Name of loading point	Goods loaded		Departure from loading point		Passed under Banastarim Bridge		Arrived at Mormugao or unloading site		Signature of Barge Master	Remarks
			Description	Quantity in tonnes	Date	Time	Date	Time	Date	Time		
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM - III

[See rule 9 (2) of the Goa, Daman and Diu Barge (Taxation on Goods) Rules, 1986.]

No.

Certificate of Composition of Tax

Certified that tax payable under the Goa, Daman and Diu Barge (Taxation on Goods) Rules, 1986 in respect of the undermentioned barge (s) owned by ... has been compounded for the period from ... to ...

Sr. No.	Name of the Barge	Official No.	Remarks
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Date:

Place:

Tax Officer
Mormugao/Panaji

FORM - IV

[See rule 10 (3) of the Goa, Daman and Diu Barge (Taxation on Goods) Rules, 1986.]

Certificate of Refund

No.

To,
The Treasury Officer,
Panaji.

Sir,

I, Tax Officer, Panaji/Mormugao, hereby certify that Shri/Sarvashri ... having paid on ... an amount of

Rs. ... (Rupees ... only) as tax on Goods transported by barge (s) ... is entitled to a refund of Rs. ... (Rupees ... only) on account of reasons mentioned at item No. ... of the following items:

1. That the goods for which tax is paid are exempt from payment.
2. That he/they has/have paid more tax than is due from him/them.
3. ...

A note of refund has been made on the original document. Please pay to ... Rs. ... (Rupees ... only) on account of the refund.

Date:

Place:

Tax Officer
Panaji/MormugaoBy order and in the name of the Administrator
of Goa, Daman and Diu.Subhash V. Elekar, Under Secretary (Industries
and Labour).

Panaji, 10th October, 1986.

Notification

1/20/86-ILD

In exercise of the powers conferred by section 19 of the Goa, Daman and Diu Barge Tax Act, 1973 (Act 10 of 1973), the Government of Goa, Daman

and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Barge Tax Rules, 1975, namely:—

1. (1) These rules may be called the Goa, Daman and Diu Barge Tax (Third Amendment) Rules, 1986.

(2) They shall come into force at once.

2. *Amendment of rule 7.*—In rule 7 of the Goa, Daman and Diu Barge Tax Rules, 1975 (hereinafter called the "Principal Rules") for the word "may", the words "shall within fifteen days of Survey under the Inland Vessel Act, 1917" shall be substituted.

3. *Insertion of new rule 7A.*—After rule 7 of the Principal Rules, the following rule shall be inserted, namely:—

"7A. *Penalty for failing to calibrate barge as required under rule 7.*—If any person contravenes the provision of rule 7, fine of Rs. 100/- shall be imposed which shall be paid within 10 days from the date of receipt of the order of the Taxation Authority by the person concerned. For any subsequent delay in calibrating the barge, a further fine of Rs. 100/- each for every fifteen days or fraction thereof shall be imposed.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 16th October, 1986.

Law Department

Legal Affairs Branch

Notification

7-20-86/LA

The Goa, Daman and Diu Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1986 (Act 8 of 1986) which was passed by the Legislative Assembly on 5-8-1986 and assented to by the Administrator on 14-10-1986, is hereby published for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 17th October, 1986.

The Goa, Daman and Diu Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1986

(Act No. 8 1986) [14-10-1986]

AN

ACT

further to amend the Legislative Diploma No. 2070 dated 15-4-1961 in its application to the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Legis-

lative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1986.

(2) It shall come into force at once.

2. *Amendment of Article 371.*—For Article 371 of the Legislative Diploma No. 2070 dated 15-4-1961 (hereinafter referred to as the "Principal Code"), the following Article shall be substituted, namely:—

"Article 371: *Summary eviction of a person unauthorisedly occupying land vesting in Comunidade.*—(1) If in the opinion of the Director of Civil Administration, any person is unauthorisedly occupying or wrongfully in possession of any land—

(a) vesting in the Comunidade; or

(b) to the use or occupation of which he is not entitled or has ceased to be entitled by reason of—

(i) any of the provisions of this Code, or

(ii) the expiry of the period of lease or termination of lease for breach of any of the conditions annexed to the tenure,

it shall be lawful for the Director of Civil Administration to summarily evict such person in the manner provided in clause (2).

(2) The Director of Civil Administration shall serve a notice on such person requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land and if such notice is not obeyed, the Director of Civil Administration may remove him from such land.

(3) A person unauthorisedly occupying or wrongfully in possession of land after he has ceased to be entitled to continue the use, occupation or possession by virtue of any of the reasons specified in clause (1), shall also be liable at the discretion of the Director of Civil Administration to pay a penalty not exceeding two times the assessment or rent for the land for the period of such unauthorised use or occupation.

(4) The proceeds on account of the penalty imposed on the encroacher envisaged in clause (3) shall be credited to the coffer of the Comunidades.

3. *Amendment of Article 372.*—For Article 372 of the principal Code, the following Article shall be substituted, namely:—

"Article 372: *Forfeiture and removal of property left out after summary eviction.*—(1) After summary eviction of any person under Article 371, any building or other construction erected on the land or any crop raised on the land shall, if not removed by such person after such written notice as the Director of Civil Administration may deem reasonable, be liable to forfeiture or to summary removal.

(2) Forfeiture under this Article shall be adjudged by the Director of Civil Administration and any property so forfeited shall be disposed

off as the Director of Civil Administration may direct, and the cost of the removal of any property under this Article shall be recoverable as an arrear of land revenue.

(3) For the purpose of this Article and Article 371, the Director of Civil Administration means the Collector of Goa, as defined in the Goa, Daman and Diu Land Revenue Code, 1968 (9 of 1969).

(4) The Director of Civil Administration may by order, delegate any of the powers and duties conferred on him under Articles 371 and 372 of the Code to any Administrator of Comunidades or officer subordinate to him, subject to such condition, if any, as may be specified in the order."

Secretariat,
Panaji - Goa.

Dated 17th October, 1986.

(M. RAGHUCHANDER)
Secretary to the Government
of Goa, Daman and Diu Law
Department (Legal Affairs)

Notification

7-26-86/LA

The Goa, Daman and Diu Fire Force Act, 1986 (Act 9 of 1986), which has been passed by the Legislative Assembly on 4-8-1986 and assented to by the Administrator on 17-10-1986 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 21st October, 1986.

The Goa, Daman and Diu Fire Force Act, 1986

(Act No. 9 of 1986) [17-10-1986]

AN

ACT

to provide for the maintenance of Fire Force for the Union territory of Goa, Daman and Diu.

Whereas it is expedient to provide for the establishment and maintenance of fire force in the Union territory of Goa, Daman and Diu;

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa, Daman and Diu Fire Force Act, 1986.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force in any area on such date as the Government may by notification in the Official Gazette, appoint and different dates may be

appointed for different areas and different provisions of this Act and in reference to any such provisions to the area or areas in which this Act is in force shall be construed as a reference to the area or areas in which the provision is in force.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Collector" means the Chief Officer in charge of Revenue Administration of the District and includes acting or officiating Collector and also any officer appointed by the Government to exercise the functions of the Collector;

(b) "Director/Chief Fire Officer" means the Officer appointed by the Government as Director/Chief Fire Officer of the Fire Service of the Union territory of Goa, Daman and Diu;

(c) "Fire Fighting Property" includes

(i) lands and buildings used as Fire Stations;

(ii) fire fighting appliances, equipment, tools implements and things whatsoever used for fire fighting;

(iii) motor vehicles and other means of transport used in connection with the fire fighting;

(iv) uniforms and badges of rank.

(d) "Fire Station" means any post or place declared generally or specially by the Government to be the fire station;

(e) "Fire Force" means the Fire Force of Goa, Daman and Diu maintained under this Act;

(f) "Officer-in-Charge" of fire station includes, when Officer-in-charge is absent from the station or unable from illness or other cause to perform his duties, the fire officer present at the station who is next in the rank to such officer.

(g) "Official Gazette" means the Official Gazette of the Government of Goa, Daman and Diu.

(h) "Prescribed" means prescribed by rules made under this Act.

3. *Maintenance of Fire Force.*— A fire force to be called as the Government Fire Force shall be maintained by Government for services in the local areas in which this Act is in force.

4. *Superintendence and Control of Fire Force.*— (1) Superintendence and Control of the Fire Force shall vest in the Director/Chief Fire Officer and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

(2) Government may appoint such officer as it may deem fit to assist the Director/Chief Fire Officer in the discharge of duties.

5. *Appointment of Members of Fire Force.*— The Director/Chief Fire Officer or such other officer of the Fire Service as the Government may authorise in this behalf shall appoint members of the Fire Force in accordance with the rules made under this Act.

6. *Issue of Certificate to Members of Fire Force.*— (1) Every person shall on appointment to the Fire Force, receive a certificate in the prescribed form

under seal of the Director/Chief Fire Officer authorised in this behalf by the Government and thereupon such person shall have powers, functions and privileges of the members of the Fire Force under this Act.

(2) The certificate referred to in sub-section (1) shall cease to have effect when the person named therein ceases for any reason to be a member of the Fire Force and on his ceasing to be such member, he/she shall forthwith surrender the certificate to any officer empowered to receive the same.

(3) During any time of suspension, the powers, functions, privileges vested in any member of the Fire Force shall be in abeyance but such members shall continue to be subject to the same discipline and penalties as he/she would have been, if he/she had not been suspended.

7. Auxiliary Fire Force.—(1) Whenever it appears to the Government that it is necessary to augment the services it might raise an auxiliary Fire Force by employment of volunteers on such areas and on such terms and conditions as it may deem fit.

(2) Every such volunteer shall receive a certificate in the prescribed form, and shall have the same powers and protection and shall be liable to all such duties and penalties and be subordinate to the same authorities as members of the ordinary Fire Force.

8. Expenditure on Fire Force.—The entire expenditure in connection with Fire Force shall be met out from the consolidated fund of the Union territory of Goa, Daman and Diu.

CHAPTER II

Powers of Government, Director/Chief Fire Officer and Members of Force

9. Powers of Government to make orders.—The Government may from time to time make such general or special orders as it deems fit—

(a) for providing services with such appliances and equipment as it deems proper;

(b) for providing adequate supply of water and for securing the same as it shall be available for use;

(c) for construction or providing stations or hiring places for accommodating the members of the Fire Force and its fire fighting appliances;

(d) for giving rewards to persons who have given notice of fire and to those who have rendered effective services to the Fire Force on the occasion of fire in the discharge of their duties under section 26;

(e) for giving compensation to the persons who have rendered effective services to the Fire Force in case of accident or to the dependents of such persons in case of death while they were engaged in helping the Fire Force in the discharge of their duties;

(f) for the training, discipline and good conduct of the members of the Fire Force;

(g) for the speedy attendance of the members of the Fire Force with necessary appliances and equipment on the occasion of any alarm of fire;

(h) for sending members of the Fire Force with appliances and equipment beyond the limit of area in which this Act is in force for the purpose of fire fighting in the neighbourhood of such limit;

(i) for the employment of the members of the Fire Force in any rescue, salvage or any other similar work;

(j) for regulating and controlling of the powers, duties and functions of the Director/Chief Fire Officer.

(k) Generally for the maintenance of the Fire Force in a high state of efficiency.

10. Powers of Members of Fire Force on occasion of fire.—(1) On the occasion of fire in any area in which this Act is in force, any member of the Fire Force who is in charge of the fire fighting operation on the spot may—

(a) remove or order any other member of the Fire Force to remove any person who by his presence, interferes with or impedes the operation for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which the fire is burning;

(c) for the purpose of extinguishing fire, break into or break through or pull down any premises for the passage of hose or appliance or cause them to be broken into or through or pull down doing as little damage as possible;

(d) require the authority in charge of water supply in the area to regulate the water means so as to provide water at a specified pressure at the place where fire has broken out or utilise from any stream, cistern, well or tank or from any available source of water whether public or private, for the purpose of extinguishing or limiting the spread of such fire;

(e) exercise the same powers for dispersing an assembly of persons likely to obstruct fire fighting operation as if he is the officer in charge of a police station and as if such assembly is an unlawful assembly and shall be entitled to the same immunities and protection as such an officer in respect of the exercise of such powers;

(f) generally take such measures as may appear to him to be necessary for extinguishing fire or for the protection of life and property.

(2) Any damage done on the occasion of fire by the members of the Fire Force in the due discharge of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

11. Powers of Director/Chief Fire Officer to make arrangement for supply of water.—The Director/Chief Fire Officer may with the previous sanction of the Government, enter into an agreement with the Authority in charge of water supply in any area for securing the adequate supply of water in case of fire on such terms as to payment or otherwise as may be specified in the agreement.

12. *Powers of Director/Chief Fire Officer to enter into agreement for assistance.*—The Director/Chief Fire Officer may with the previous sanction of the Government enter into agreement with any person who employs or maintains personnel or keep equipments for fire fighting purpose. To secure on such terms as to payment or otherwise as may be provided by or under the arrangements of the personnel or equipment or any other assistance for the purpose of dealing with fire in any area in which this Act is in force.

13. *Preventive Measures.*—(1) The Government may by notification in the Official Gazette require owners or occupiers of premises in any area or of any class of premises used which in its opinion are likely to cause risk of fire, to take such precautions as may be specified in such notifications.

(2) Where notification has been issued under sub-section (1), it shall be lawful for the Director/Chief Fire Officer or any officer of the Fire Force authorised by the Government in this behalf to direct the removal of objects or goods likely to cause the risk of fire, to a place of safety and on failure of the owner or occupier to do so, the Director or any such officer may after giving the owner or occupier a reasonable opportunity of making the representation, seize, detain or remove such objects or goods.

CHAPTER III

Acquisition of Fire Fighting Property

14. *Prohibition against transfer of fire fighting property.*—No local authority of any area in which this Act is in force shall transfer or otherwise part with any fire fighting property without the previous sanction of the Government.

15. *Requisitioning of fire fighting property.*—(1) The Director/Chief Fire Officer or any member of the Fire Force who is in charge of a fire fighting operation may, if in his opinion it is necessary so to do for the purpose of extinguishing fire in any area, requisition and take possession of any fire fighting property in the possession of any local authority or any institution or individual.

(2) As soon as may be after the fire fighting operations are over, the Director/Chief Fire Officer or the member in charge of the fire fighting operation, as the case may be, shall release the property taken possession of under sub-section (1) from requisition and restore the same to the local authority, institution or individual from whose possession such property was taken.

(3) Where any fire fighting property is requisitioned under sub-section (1), there shall be paid to the owner of such property compensation the amount of which shall be determined in accordance with the principles hereinafter set out, that is to say—

(a) Where the amount of compensation can be fixed by agreement between the Director/Chief Fire Officer and the owner of the fire fighting property, it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached, the Director/Chief Fire Officer shall refer the matter to the Magistrate having jurisdiction over

the area in which the fire fighting property was kept and the Magistrate shall after hearing the parties and such other persons as he deems necessary, fix the amount of compensation taking into consideration the rent which the fire fighting property would normally fetch if rented out for a similar purpose. The order of the Magistrate fixing the amount of compensation shall be final.

16. *Acquisition of fire fighting property.*—(1) If, after making such inquiry and investigation as it deems necessary and after giving the local authority an opportunity to make its representation, the Government is of opinion that the standard of efficiency of the fire fighting personnel and equipment maintained by the local authority is not adequate to meet the normal requirements of the area, the Government may acquire the fire fighting property of the local authority by publishing in the Official Gazette a notice to the effect that the Government has decided to acquire such property on payment of compensation, a copy of such notice shall also be served on the local authority.

(2) When a notice as aforesaid is published in the Official Gazette, the property specified in such notice shall on and from the beginning of the date on which the notice is so published, vest absolutely in the Government free from all encumbrances.

17. *Principles and method of determining compensation.*—(1) The Director/Chief Fire Officer or any officer authorised by the Government shall as soon as may be after the publication of the notice under sub-section (1) of section 16 determine the amount of compensation payable in respect of the fire fighting property based on the market value of the property on the date of publication of the said notice, that is to say, the price which it would have fetched in the open market if it had been sold on that date, provided that before determining the amount of compensation, the Director/Chief Fire Officer or the officer, as the case may be shall give the local authority an opportunity to state what in its opinion is a fair compensation.

(2) The Director/Chief Fire Officer or the officer, as the case may be, shall after determining the amount of compensation payable, give notice to the local authority of the amount of compensation so determined.

18. *Reference to Court.*—If the local authority agrees to accept the amount so determined, it shall be paid in accordance with such agreement otherwise the Director/Chief Fire Officer or the Officer, as the case may be, shall refer the matter to the court having jurisdiction over the area in which the property is situated and the court shall, after hearing the parties and such other persons as it deems necessary determine the amount of compensation, which appears to it to be just, and in fixing the amount of compensation the court shall have regard to the market value of the property on the date of issue of notice referred to in sub-section (1) of section 16.

19. *Appeal.*—Where the Government or a local authority is aggrieved by the decision of the court under section 18, it may within thirty days from the date of such decision prefer an appeal to the High Court.

CHAPTER IV

Penalties

20. *Penalty for violation of duty, etc.* — Any member of the Fire Force who, —

(a) if found to be guilty of any violation of duty or wilful breach of any provision of this Act or any rule or order made thereunder; or

(b) is found to be guilty of cowardice; or

(c) withdraws from the duties of his office or resigns without permission or without having given previous notice of at least two months; or

(d) being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave; or

(e) accepts any other employment or office in contravention of the provisions of section 24,

shall be punishable with imprisonment which may extend to three months or with fine which may extend to an amount not exceeding three months' pay of such member or with both.

21. *Failure to take precautions.* — Whoever fails without reasonable cause to comply with any of the requirements specified in a notification issued under sub-section (1) of section 13 or of a direction issued under sub-section (2) of that section shall be punishable with fine which may extend to one thousand rupees.

22. *Punishment for wilfully obstructing fire fighting operations.* — Any person who wilfully obstructs or interferes with any member of the Fire Force who is engaged in fire fighting operations shall be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

CHAPTER V

General and Miscellaneous

23. *Training Centre.* — The Government may establish and maintain one or more training centres in the territory for providing courses of instruction in the prevention or extinguishment of fire and may close down or re-establish any such centre.

24. *Bar to other employment.* — No member of the Fire Force shall engage in any employment or office whatsoever other than his duties under this Act unless expressly permitted to do so by the Director/Chief Fire Officer.

25. *Transfer to other area.* — The Director/Chief Fire Officer or any officer authorised by the Government in this behalf may on the occasion of a fire or other emergency in any neighbouring area in which this Act is not in force, order the despatch of the members of the Fire Force with necessary appliances and equipments to carry on fire fighting operations in such neighbouring areas and thereupon all the provisions of this Act and the rules made there-under shall apply to such area, during the period of fire or emergency or during such period as the Director/Chief Fire Officer may specify.

26. *Employment on other duties.* — It shall be lawful for the Government or any officer authorised

by it in this behalf to employ the Fire Force to any rescue, salvage or other work for which it is suitable by reason of its training, appliances and equipments.

27. *Liability of owner of property to pay compensation.* — (1) Any person whose property catches fire on account of any action of his own or of his agent done deliberately or negligently shall be liable to pay compensation to any other person suffering damages to his property on account of any action taken under section 10 of this Act by any officer mentioned therein or any person acting under the authority of such officer.

(2) All claims under sub-section (1) shall be referred to the Collector within thirty days from the date when the damage was caused.

(3) The Collector shall, after giving the parties an opportunity of being heard, determine the amount of compensation due and pass an order stating such amount and the person liable for the same. The order so passed shall have the force of a decree of a Civil Court, and shall be subject to an appeal to the District Judge having jurisdiction over the area in which the property is situated.

28. *Inquiry into origin of fire and report to Government.* — Where any fire has occurred within any area in which this Act is in force, the Collector shall ascertain the fact as to the origin and cause of such fire in consultation with the Director/Chief Fire Officer and shall make a report thereon to the Government.

29. *Power to obtain information.* — Any officer of the Fire Force not below the rank of an Officer-in-Charge of a fire station may for the purpose of discharging his duties under this Act, require the owner or occupier of any building or other property to supply information with respect to the character of such building or other property, the available water supplies and the means of access thereto and other material particulars and such owner or occupier shall furnish all the information in his possession.

30. *Power of entry.* — (1) The Director/Chief Fire Officer or any member of the Fire Force authorised by him in this behalf may enter any of the places specified in any notification for the purpose of determining whether precautions against fire required to be taken on such places have been so taken.

(2) Save as otherwise expressly provided in this Act, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1).

31. *Consumption of water.* — No charge shall be made by any local authority for water consumed in fire fighting operations by the Fire Force.

32. *No compensation for interruption of water supply.* — No authority in charge of water supply in an area shall be liable to claim for compensation for damage by reason of any interruption of supply of water occasioned only by compliance of such authority with the requirement specified in clause (d) of section 10.

33. *Police Officers to aid.* — It shall be the duty of the police officers of all ranks to aid the members

of the Fire Force in discharging their duties under the Act.

34. *Indemnity.*—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

35. *Power to make rules.*—(1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for:—

(a) The number of grade of officers and members of the Fire Force;

(b) The manner of appointment of members of the Fire Force;

(c) the form of the certificate to be issued to the Members of the Fire Force;

(d) the conditions of service of the members of the Fire Force including their ranks, pay and allowances, hours of duty and leave, maintenance of discipline and removal from service;

(e) the circumstances in which and the conditions subject to which members of the Fire Force may

be despatched to carry on fire fighting operations in neighbouring area beyond the limits of the area in which this Act is in force;

(f) the conditions subject to which members of the Fire Force may be employed on rescue, salvage or other works;

(g) the manner of service of notice under this Act;

(h) the payment of reward or compensation to persons, not being members of the Fire Force, who render services under clause (d) or clause (e) of section 9.

(i) the compensation payable to members of the Fire Force in case of accidents or to their dependants in case of death while engaged on duty;

(j) for the employment of the Fire Force or use of any equipment outside the area or on special services; and

(k) any other matter which is to be or may be prescribed.

Secretariat,
Panaji - Goa.

Dated 17th October, 1986.

(M. RAGHUCHANDER)
Secretary to the Government
of Goa, Daman and Diu Law
Department (Legal Affairs)